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20. (Original) The computer code embodied on a computer readable medium for a customer-centric restaurant communication system from claim 18, further comprising a code segment that manages an incentive program to encourage the restaurant diner to order the food and the drinks.

### Remarks

Claims 1-20 are pending in this application, as shown in the above Listing of Claims. In the Office Action mailed 9 February 2005, the Examiner rejected claims 1-17 under 35 USC § 103 as being unpatentable over Walker 1 (US 6,839,683) in view of Walker 2 (US 6,634,550).

1. **The references do not teach or suggest all of the elements of Claim 1 and Claim 18.**

The independent claim 1 (and similarly, independent claim 18) consists of four elements, namely code segments that:

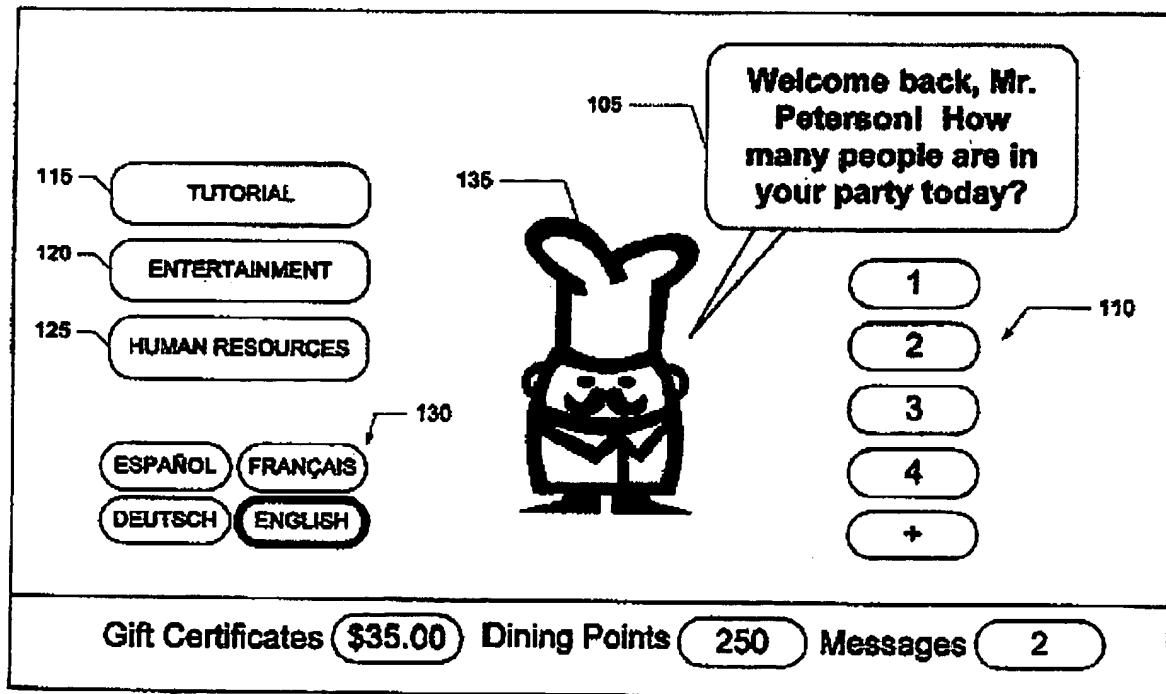
- (a) “provides a user interface that allows a restaurant diner to order food and drinks without interaction with a human server”;
- (b) “provides a virtual server ... for assisting the restaurant diner with the user interface”;
- (c) “provides bill payment functionality to allow the restaurant diner to pay for the food and drinks”; and
- (d) “provides entertainment services to occupy the attention of the restaurant diner”.

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The Examiner asserts that Walker 1 teaches elements (a), (b) and (c) while Walker 2 teaches element (d). To support this assertion, the Examiner points to column 3 line 40 to column 4 line 30 of Walker 1 and column 1 line 65 to column 2 line 50 of Walker 2. The Applicant respectfully disagrees with the Examiner's rejection.

**A. Walker 1 and Walker 2 do not teach or suggest a virtual server.**

The present invention is a computerized system with a user interface that is used by a diner at a restaurant. This user interface allows the diner to place her food order by herself. To make the experience easier and more enjoyable, the present invention's user interface provides an animated figure who is a virtual server and who interacts with the diner. Figure 1 shows one approach to an interaction with such a virtual server:



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In figure 1, the virtual server 135 is a central element. The virtual server 135 talks directly to the diner using cartoon bubbles 105 and/or a voice synthesizer. The virtual server turns "the dining experience into entertainment" (page 12, line 12). Neither Walker 1 nor Walker 2 teach or suggest the use of a virtual server. Walker 1 addresses the use of tokens that a buyer can redeem when making an electronic purchase (see column 4, line 65). This token is a "representation of a stored benefit to facilitate a transaction" (column 3, lines 39-40). Similarly Walker 2 addresses the use of games with a random outcome which give the winning consumer an "up-sell offer, a free product or a discount offer" (column 2, lines 21-22). Such a way to entice consumers with a discounted product does not teach or suggest the use of a virtual server. As there is no suggestion or teaching of a virtual server by Walker 1 or Walker 2, the Applicant requests that the rejection to claims 1 and 18 be withdrawn.

**B. Walker 1 and Walker 2 do not teach or suggest entertainment services as part of the user interface for the restaurant diner.**

While the diner is waiting for her food, the user interface and virtual server allow her to play games, watch movies or distract herself with other entertainment services. Such an invention is neither taught nor suggested by any combination of Walker 1 and Walker 2. Walker 2 (which is relied upon by the Examiner for this element of the claim) is directed to making the "process of checking out purchases ... more entertaining for the customer" (column 1, lines 60-61). To entice customers to return to the retail store, Walker 2 provides several ways to present the customer with chances to win free or discounted products. When the customer is checking out, a video slot machine may be displayed that may randomly inform the customer that he is a winner (column 1, line 66 to column 2 line 8). Or once the customer's ID is entered at the check

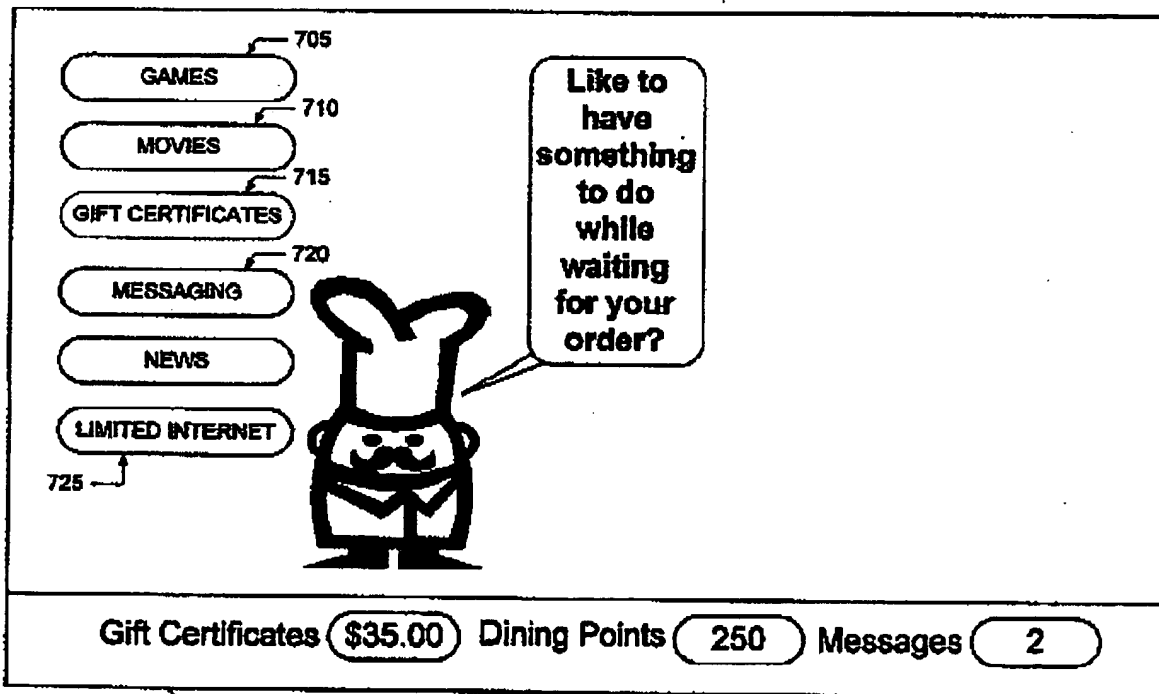
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out counter, a random number may indicate that he is a winner (column 2, lines 15-22) of a free or discounted product. These randomized offers may also be displayed at the shelf in the store where the product is located (column 2, lines 30-43).

The Walker 2 invention attempts to make the process of handing out coupons or awarding instant discounts seem entertaining. Walker 2 does not teach or suggest the type of "entertainment services" claimed by the Applicant. In the present invention, such entertainment services are specifically for occupying the attention of the restaurant diner while he waits for his food. Page 26, lines 4-12 of the present invention along with figure 7



show that the entertainment services of the present invention are not an advanced way to offer coupons. Rather, the present invention understands that "the solitary diner may have little

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to do to pass [the time, and a] family with small children may welcome some form of entertainment to occupy the children until the food arrives" (page 5, lines 10-12). Lottery-style or slot-machine style games of the Walker 2 patent do not teach or suggest such entertainment services used to pass the time waiting for ordered food. As there is no suggestion or teaching of entertainment services by Walker 1 or Walker 2, the Applicant requests that the rejection to claims 1 and 18 be withdrawn.

**2. The references do not teach or suggest all of the elements of Claim 2.**

Claim 2 adds the limitation that the entertainment services include "movie information access". The Examiner asserts that this is taught by Walker 2 at column 2, lines 20-40. Applicant disagrees. Walker 2 is directed to generating coupons and discount offers to customers. The cited section of Walker 2 is particularly directed to a Point-of-Sale terminal or a terminal at a shelf in the store determining randomly whether a customer is entitled to a discount.

The present invention allows diners to research movies while they wait for their food. "The system can ... be used to then search local theaters to find where the movie is playing and at what time. The system can automatically return with shows that are scheduled to begin within the next hour or two so that the customers can readily narrow their choices. In addition, the system can also order and pay for the movie tickets ... so that the customers do not need to worry about arriving at the theater early enough in case of it being sold out" (page 27, lines 1-9). None of these functions related to movie information access is taught or suggested by the cited references. Applicant requests that the rejection to claim 2 be withdrawn.

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**3. The references do not teach or suggest all of the elements of Claim 4 or 5.**

Claim 4 adds the limitation that the entertainment services include "Internet access for browsing web sites". Claim 5 restricts the access to "a predetermined set of web sites". The Examiner asserts that these elements are taught by Walker 2 at column 2, lines 20-40. Applicant disagrees. Walker 2 is directed to generating coupons and discount offers to customers. The cited section of Walker 2 is particularly directed to a Point-of-Sale terminal or a terminal at a shelf in the store determining randomly whether a customer is entitled to a discount. It does not teach or suggest anything about being able to spend time web surfing.

The present invention allows diners to surf the Web while they wait for their food. As page 28 discusses, some embodiments allow the diners to only surf to pre-approved web sites, such as perhaps CNN.com or ESPN.com. The ability to web surf is not taught or suggested by the cited references. Therefore, Applicant requests that the rejections to claims 4 and 5 be withdrawn.

**4. The references do not teach or suggest all of the elements of Claim 6 or Claim 7.**

Claim 6 adds the limitation that the entertainment services include the ability to send e-mail messages and claim 7 claims that the entertainment is instant messaging with other diners in the same restaurant (i.e., "send messages to a second restaurant diner also using the restaurant communication system"). The Examiner asserts that these elements are taught by Walker 2 at column 2, lines 20-30 and Walker 1 at column 4, lines 20-30. Applicant disagrees. Walker 2 is directed to generating coupons and discount offers to customers. The cited section of Walker 2 is particularly directed to a Point-of-Sale terminal or a terminal at a shelf in the store determining

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randomly whether a customer is entitled to a discount. It does not teach or suggest anything about being able to spend time sending e-mails or instant messages.

Walker 1's cited portion does not speak to either e-mails or instant messages. Rather, this portion talks of "means for determining a value" and "means for evaluating the offer".

In contrast, the present invention allows diners to send e-mails or even instant message other diners in the same restaurant while they wait for their food. Figure 10 and page 27 line 18 through page 28 line 6 discuss these capabilities. As neither e-mail nor instant messaging within the same restaurant is taught or suggested by Walker 1 and Walker 2, Applicant requests that the rejections to claims 6 and 7 be withdrawn.

**5. The references do not teach or suggest all of the elements of Claim 8.**

Claim 8 adds the limitation that the present invention includes a "data mining analysis tool". The Examiner rejects this claim based on the teachings of Walker 1 at column 5, lines 5-20. However, this section of Walker 1 merely describes figure 1's high-level diagram of the technical components of the Walker 1 invention. Such components include a "transaction system", "a controller", "communication with buyer devices", "merchant device", and networks such as LANs, WANs, MANs. None of these components can teach or suggest the use of a data mining analysis tool as claimed in claim 8. Therefore, Applicant requests that the rejection to claim 8 be withdrawn.

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**6. The references do not teach or suggest all of the elements of Claim 12.**

Claim 12 adds the limitation that the present invention includes a "integrated human resource capabilities for a restaurant". The Examiner rejects this claim based on the teachings of Walker 1 at column 4, lines 35-50. However, this section of Walker 1 is merely the Brief Description of the Drawings section of the reference. There is no teaching in this section of integrating human resource capabilities for a restaurant into the self-order system of the claim. Therefore, Applicant requests that the rejection to claim 12 be withdrawn.

**7. The references do not teach or suggest all of the elements of Claim 14.**

Claim 14 adds the limitation that the virtual server of the primary claim is "an animated figure that emulates human personality traits". Such a virtual server has been discussed above and shown in the example figures above. The Examiner rejects this claim based on Walker 1 at column 6, lines 20-35. Yet this portion of Walker 1 discusses a hash function to generate a token code, a controller for validating a token code, and storing a representation of a token in a PC through the use of a cookie. None of this material from Walker 1 teaches or suggests an animated virtual server with human personality traits. Therefore, the Applicant requests that the rejection of claim 14 be withdrawn.

**8. The references do not teach or suggest all of the elements of Claim 15.**

Claim 15 adds the limitation that the virtual server of the primary claim is "teaches the restaurant diner how to operate" the system. Again, such a virtual server has been discussed above and shown in the example figures above. The Examiner rejects this claim based on Walker 1 at column 6, lines 10-25. This portion of Walker 1 discusses storing a token code on a




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PDA and using a hash function to validate a token code. None of this material from Walker 1 teaches or suggests an animated virtual server that teaches the user of the terminal how to use it. Therefore, the Applicant requests that the rejection of claim 15 be withdrawn.

#### 9. Conclusion

Walker 1 and Walker 2 do not teach or suggest all elements of any of the claims. As the claims not discussed explicitly above depend on the dependent claims for which the rejections have been refuted, Applicant requests that all of the remaining rejections be withdrawn as well. Applicant requests that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7508. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 20404-301).

Respectfully submitted,



Steven C. Lieske, Reg. No. 47,749

**OPPENHEIMER WOLFF & DONNELLY LLP**  
Plaza VII, Suite 3300  
45 South Seventh Street  
Minneapolis, MN 55405  
Phone: 612-607-7508  
Fax: 612-607-7100  
E-mail: SLieske@Oppenheimer.com